

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

FIRST REGULAR SESSION  
FIFTY-SEVENTH LEGISLATURE

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**FORTY-FOURTH LEGISLATIVE DAY  
TUESDAY, FEBRUARY 18, 2003**

Senate Chamber

President Risch called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Cameron, Keough, and Marley, absent and excused.

Prayer was offered by Chaplain Gene Arnold.

The Pledge of Allegiance was led by Jovani Bigelow, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 17, 2003, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

February 17, 2003

The COMMERCE AND HUMAN RESOURCES Committee reports out **S 1047** and **S 1048** with the recommendation that they do pass.

ANDREASON, Chairman

**S 1047** and **S 1048** were filed for second reading.

February 17, 2003

The JUDICIARY AND RULES Committee reports out **S 1093** with the recommendation that it do pass.

DARRINGTON, Chairman

**S 1093** was filed for second reading.

February 17, 2003

The STATE AFFAIRS Committee reports out **S 1112**, **H 13**, as amended, and **H 89**, as amended, with the recommendation that they do pass.

SORENSEN, Chairman

**S 1112**, **H 13**, as amended, and **H 89**, as amended, were filed for second reading.

February 18, 2003

The STATE AFFAIRS Committee reports out **S 1119** with the recommendation that it be referred to the Commerce and Human Resources Committee.

SORENSEN, Chairman

There being no objection, **S 1119** was referred to the Commerce and Human Resources Committee.

February 18, 2003

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 142** with the recommendation that it do pass.

BUNDERSON, Chairman

**H 142** was filed for second reading.

February 18, 2003

The LOCAL GOVERNMENT AND TAXATION Committee reports out **S 1108** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BUNDERSON, Chairman

There being no objection, **S 1108** was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

### Messages from the House

February 17, 2003

Mr. President:

I transmit herewith **H 150**, **H 43**, **H 58**, **H 179**, and **H 194** which have passed the House.

JUKER, Chief Clerk

**H 150**, **H 43**, **H 58**, **H 179**, and **H 194** were filed for first reading.

February 17, 2003

Mr. President:

I transmit herewith Enrolled **HJM 1** and **HCR 8** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HJM 1** and **HCR 8** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

### **Motions and Resolutions**

Senators Cameron and Marley were recorded present at this order of business.

The President announced the Agricultural Affairs Committee report, relative to the Gubernatorial appointments of Mel Anderson and Representative Darrell Bolz, was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Williams, seconded by Senator Stennett, the Gubernatorial appointment of Mel Anderson as a member of the Idaho Food Quality Assurance Institute was confirmed by voice vote.

Senator Keough was recorded present at this order of business.

On motion by Senator Noble, seconded by Senator Stennett, the Gubernatorial appointment of Representative Darrell Bolz as a member of the Idaho Food Quality Assurance Institute was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced the Resources and Environment Committee report, relative to the Gubernatorial appointments of Randal F. Rice and Latham Williams, was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Schroeder, seconded by Senator Stennett, the Gubernatorial appointment of Randal F. Rice as a member of the Idaho Park and Recreation Board was confirmed by voice vote.

On motion by Senator Cameron, seconded by Senator Noh, the Gubernatorial appointment of Latham Williams as a member of the Idaho Park and Recreation Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

### **Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials**

#### **S 1120**

#### **BY JUDICIARY AND RULES COMMITTEE**

#### **AN ACT**

RELATING TO THE SANITARY SUPERVISION OF BARBER SHOPS, HAIRDRESSING ESTABLISHMENTS AND PUBLIC BATHING PLACES; REPEALING CHAPTER 20, TITLE 39, IDAHO CODE.

#### **S 1121**

#### **BY JUDICIARY AND RULES COMMITTEE**

#### **AN ACT**

RELATING TO INTENTIONAL DESTRUCTION OF A TELECOMMUNICATION LINE OR TELECOMMUNICATION INSTRUMENT; AMENDING SECTION 18-6810, IDAHO CODE, TO CLARIFY THAT A VIOLATION CONSTITUTES A MISDEMEANOR BY REMOVING LANGUAGE SPECIFYING A FIRST OFFENSE AND TO MAKE A TECHNICAL CORRECTION.

#### **S 1122**

#### **By JUDICIARY AND RULES COMMITTEE**

#### **AN ACT**

RELATING TO CRIMES; AMENDING SECTION 18-205, IDAHO CODE, TO DEFINE "ACCESSORIES" TO INCLUDE PERSONS WHO KNOW THAT A FELONY HAS BEEN COMMITTED AND HARBOR AND PROTECT A PERSON WHO COMMITTED SUCH FELONY.

#### **S 1123**

#### **BY STATE AFFAIRS COMMITTEE**

#### **AN ACT**

RELATING TO THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY ACT; AMENDING SECTION 40-2104, IDAHO CODE, TO CLARIFY THAT A REGIONAL PUBLIC TRANSPORTATION AUTHORITY IS A POLITICAL SUBDIVISION OF THE STATE; AND AMENDING SECTION 40-2112, IDAHO CODE, TO PROVIDE FOR POSTING NOTICE OF THE BUDGET HEARING IN AT LEAST ONE CONSPICUOUS PLACE IN EACH COUNTY WITHIN THE BOUNDARIES OF THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY AND AT THE ADMINISTRATIVE OFFICES OF THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY.

**S 1120, S 1121, S 1122, and S 1123** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 150**, by Environmental Affairs Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

**H 43**, by Mr. Speaker, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

**H 58**, by Mr. Speaker, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**H 179**, by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**H 194**, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

**S 1056** and **S 1106**, by Resources and Environment Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

**S 1068** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--Andreason, Noh, Schroeder. Total - 3.

Total - 35.

Whereupon the President declared **S 1068** passed, title was approved, and the bill ordered transmitted to the House.

**S 1073** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Burkett, Calabretta, Compton, Darrington, Gannon, Geddes, Ingram, Kennedy, Little, Malepeai, Marley, McWilliams, Noh, Schroeder, Stegner, Stennett, Werk. Total - 19.

NAYS--Bailey, Bunderson, Burtenshaw, Cameron, Davis, Goedde, Hill, Keough, Lodge, McKenzie, Noble, Pearce, Richardson, Sorensen, Sweet, Williams. Total - 16.

Total - 35.

Whereupon the President declared **S 1073** passed, title was approved, and the bill ordered transmitted to the House.

**S 1074** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1074** passed, title was approved, and the bill ordered transmitted to the House.

**H 3**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 3**, as amended, passed, title was approved, and the bill ordered returned to the House.

**H 72** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 72** passed, title was approved, and the bill ordered returned to the House.

**S 1075** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bailey arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1075** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### **Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 11 a.m., Wednesday, February 19, 2003.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary